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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,159	04/13/2004	Chung-Shi Liu	TSM03-0454	4549

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EXAMINER
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PIZARRO CRESPO, MARCOS D

ART UNIT	PAPER NUMBER
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2814

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/823,159

Applicant(s)

LIU ET AL.

Examiner

Marcos D. Pizarro-Crespo

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 28-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-35 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Attorney's Docket Number: TSM03-0454

Filing Date: 4/13/2004

Claimed Foreign Priority Date: none

Applicant(s): Liu et al.

Examiner: Marcos D. Pizarro-Crespo

### DETAILED ACTION

This Office action responds to the amendment and declaration filed on 11/29/2005.

#### ***Acknowledgment***

1. The amendment and declaration filed on 11/29/2005, responding to the Office action mailed on 9/22/2005, have been entered. The present Office action is made with all the suggested amendments and declaration being fully considered. Accordingly, pending in this Office action are claims 1-35.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 13, 14, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth (US 6613664) and Li (US 6008114).

4. Regarding claim 1, Barth shows (see, e.g., fig. 5) most aspects of the instant invention including a semiconductor device **200** comprising:

✓ A dielectric layer **210/212**

- ✓ A conductive line **208** underlying the dielectric layer **210/212**
- ✓ A via **213** formed in the dielectric layer and extending into the conductive line **208** to form a via recess in the conductive line (see, e.g., figs. 3 and 4)
- ✓ Via-fill material **218/220/222** filling the via recess and at least partially filling the via, such that the via-fill material is electrically connected to the conductive line **208**

5. Regarding claims 1, 6, 16, and 17, Barth shows most aspects of the instant invention but fails to specify the depth of the via recess. Barth (see, e.g., col.8/ll.63), however, teaches that the via recess lowers the electrical resistance between the conductive line and the via-fill material. Li (see, e.g., fig. 2E) shows a similar device to Barth but also fails to disclose the depth of the via recess. Nonetheless, Li added that the via recess increases the contact area between the via-fill material and the conductive line (see, e.g., Li/col.3/ll.5-8). Accordingly, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have a via recess in Barth's device to lower the electrical resistance and, as taught by Li, to increase contact area between the via-fill material and the conductive line.

Although Barth/Li teach about the importance of having the via recess, they both fail to specify its depth. The specification, on the other hand, fails to provide teachings about the criticality of having the claimed depth of between about 100-600 angstroms. It has been held that depth differences will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such depth is critical. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive

to discover the workable ranges by routine experimentation". *In re Aller*, 220 F.2d 454,456,105 USPQ 233, 235 (CCPA 1955).

Since the applicant has not established the criticality (see next paragraph) of the via-recess depth, it would have been obvious to one of ordinary skill in the art to use these values in the device of Barth/Li.

### CRITICALITY

6. The specification contains no disclosure of either the critical nature of the claimed depth or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

7. Regarding claim 2, Barth shows (see, e.g., fig. 5) that the via-fill material comprises:

- ✓ A barrier layer **218** at least partially lining interior surfaces of the via recess and at least partially lining interior surfaces of the via
- ✓ A conducting material **220/222**

wherein the barrier layer **218** is located between at least part of the conducting material **222** and at least part of the dielectric layer **210/212**.

8. Regarding claim 3, Barth shows that the conducting material **222** is electrically connected to the conductive line **208** through the barrier layer **218** (see, e.g., fig. 5).

9. Regarding claim 4, Barth shows that the barrier layer **218** comprises tantalum nitride (see, e.g., col.6/ll.33).

10. Regarding claim 5, Barth shows that the conducting material **222** comprises copper (see, e.g., col.6/ll.43).

11. Regarding claim 7, Barth shows (see, e.g., fig. 5) the dielectric layer comprising:

✓ A capped layer **210**

✓ A layer of insulating material **212** overlying the capped layer **210**

12. Regarding claim 13, Barth shows the insulating material having a dielectric constant less than about 3 (see, e.g., col.1/ll.34 and col.5/ll.58).

13. Regarding claim 14, Barth shows the insulating material comprising spin-on-polymers (see, e.g., col.3/ll.52).

14. Regarding claim 18, Barth shows the conductive line comprising copper (see, e.g., col.5/ll.47).

15. Claims 8, 10-12, 15, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth/Lin in view of Chooi (US 6436824).

16. Regarding claims 8 and 10-12, Barth/Lin shows most aspects of the instant invention (see, e.g., paragraph 11 above), except for the capped layer comprising silicon-carbon, having a thickness of less than about 600 angstroms, comprising carbon-doped silicon nitride ( $\text{Si}_x\text{N}_y\text{C}_x$ ), and having a dielectric constant of less than about 4.0. Chooi (see, e.g., col.1/ll.19-21), on the other hand, shows a capped layer that would reduce the capacitance of Barth/Lin's device. Said capped layer comprises silicon-carbon, has a thickness of less than about 600 angstroms, comprises carbon-doped silicon nitride ( $\text{Si}_x\text{N}_y\text{C}_x$ ), and has a dielectric constant of less than about 4.0 (see, e.g., Chooi, col.3/ll.22-23, col.2/ll.56, and col.3/ll.22,26).

It would have been obvious at the time of the invention to one of ordinary skill in the art to use the capped layer suggested by Chooi in the device of Barth/Lin to reduce the capacitance of the device.

17. Regarding claim 15, Barth/Lin show most aspects of the instant invention (see, e.g., paragraph 11 above). Although Barth/Lin describe an improved via and talked about the importance of miniaturization in the semiconductor industry, they fail to specify the size of the via (see, e.g., Barth/col.1/ll.7-10,21-25). The specification, on the other hand, fails to provide teachings about the criticality of having a via of less than about 900 angstroms. It has been held that differences in thickness will not support the patentability of subject matter encompassed by the prior art unless there is evidence indicating such thickness is critical. "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the workable ranges by routine experimentation". *In re Aller*, 220 F.2d 454,456,105 USPQ 233, 235 (CCPA 1955).

Since the applicant has not established the criticality (see paragraph 6 above) of the via thickness, it would have been obvious to one of ordinary skill in the art to use these values in the device of Barth/Lin.

18. Regarding claim 20, Barth/Lin shows most aspects of the instant invention including (see, e.g., Barth/fig.5):

- ✓ A dielectric layer comprising:
  - An insulating material layer **212**
  - A capped layer **210**
- ✓ A conductive line **208** underlying the dielectric layer
- ✓ A via formed in the insulating material layer, through the capped layer, and extending into the conductive line **208** to form a via recess in the conductive line (see, e.g., Barth/figs. 3 and 4)

- ✓ Via-fill material **218** filling the via recess and at least partially filling the via, such that the via-fill material **218** is electrically connected to the conductive line **208**

Barth also shows the capped layer **210** comprising silicon nitride, but fails to show the layer having a dielectric constant of less than about 4.0. Chooi (see, e.g., col.5/ll.51), on the other hand, shows a capped layer that would reduce the capacitance of Barth/Lin's device. Said capped layer is carbon-doped silicon-nitride having a dielectric constant of less than about 4.0 (see, e.g., Chooi, col.1/ll.19-21, col.3/ll.20-26).

It would have been obvious at the time of the invention to one of ordinary skill in the art to use the capped layer suggested by Chooi in the device of Barth/Lin to reduce the capacitance of the device.

19. Regarding claim 20, see the comments stated above in paragraphs 5 and 6 with respect to claims 1, 6, 16, and 17, which are considered repeated here.

20. Regarding claim 21, Barth shows the conductive line **208** is made of copper (see, e.g., col.5/ll.47).

21. Regarding claim 22, Chooi (see, e.g., col.3/ll.22) shows the capped layer comprising silicon carbon and Barth (see, e.g., fig. 5) shows it is located between the insulating material layer **210/212** and the conductive line **208**.

22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barth/Lin/Chooi in view of Wang (US 20050080286).

23. Regarding claim 9, Barth/Lin/Chooi shows most aspects of the instant invention (see, e.g., paragraph 16 above). Chooi also shows the capped layer comprising



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carbon-doped silicon-nitride and teaches that said layer reduces the capacitance of the device (see, e.g., Chooi/col.1/ll.20). Although Barth/Lin/Chooi teach about the importance of the carbon-doped silicon-nitride capped-layer, they fail to specify the carbon concentration in the layer. The specification, on the other hand, fails to provide teachings about the criticality of the claimed carbon concentration of 30%. Wang, another piece of art, discloses a silicon-nitride capped-layer having a carbon concentration of about 30%.

Since the applicant has not established the criticality (see paragraph 6 above) of the claimed carbon concentration in the silicon nitride layer and since this concentration is in common use in similar layers in the art, it would have been obvious to one of ordinary skill in the art to use the claimed value in the device of Barth/Lin/Chooi.

24. Claims 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barth in view of Lin and Wang.

25. Regarding claim 23, Barth and Lin shows most aspects of the instant invention including a semiconductor device comprising (see, e.g., Barth/fig. 5):

- ✓ A dielectric layer comprising:
  - An insulating material layer **212**
  - A capped layer **210**
- ✓ A copper-based conductive line **208** underlying the dielectric layer
- ✓ A via **213** formed in the insulating material layer, through the capped layer, and extending into the conductive line **208** to form a via recess in the conductive line (see, e.g., figs. 3 and 4)

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- ✓ Via-fill material **218** filling the via recess and at least partially filling the via, such that the via-fill material is electrically connected to the conductive line

Barth (see, e.g., col.5/ll.52) also shows the capped layer **210** comprising silicon nitride, but fails to show the layer also comprising carbon. Wang (see, e.g., par. 0004), on the other hand, teaches that incorporating carbon into Barth's capped layer would improve its film qualities.

It would have been obvious at the time of the invention to one of ordinary skill in the art to include carbon into Barth/Lin's capped layer, as suggested by Wang, to improve the qualities of the film.

26. Regarding claims 23, 26 and 27, see the comments stated above in paragraphs 5 and 6 with respect to claims 1, 6, 16, and 17, which are considered repeated here.

27. Regarding claim 24, Wang shows the capped layer comprising at least 30% carbon (see, e.g., par. 0087).

28. Regarding claim 25, see the comments stated above in paragraph 17 with respect to claim 15, which are considered repeated here.

### ***Response to Declaration under 37 CFR 1.132***

29. The declaration under 37 CFR 1.132 filed on 11/29/2005 is insufficient to overcome the rejection of claims 1-18 and 20-27 as set forth in the last and the present Office actions.

30. In the declaration, the affiant states:

The depth of the via recess is critical to the reliability and yield of the claimed device. A critical depth for the via recess is between 100-600 angstroms to improve performance, reliability, and yield. Too much via recess will damage the claimed conductive line. On the other hand, having the via recess too shallow is more likely to induce current crowding and electron migration failure. Thus, the depth of the via recess is critical.

31. The examiner responds:

The evidence submitted is insufficient to establish the criticality of the claimed via-recess depth of between about 100-600 angstroms. To be of probative value, the affiant's assertions should be supported by actual proof. The MPEP gives guidelines on how to demonstrate the criticality of a claimed range. See, *e.g.*, MPEP§716.02(d). As explained therein, the affiant should compare a sufficient number of tests both inside and outside the claimed range to show criticality of the range. The evidence relied upon should establish "that the differences in results are in fact unexpected and unobvious and of both statistical and practical significance." *Ex parte Gelles*, 22 USPQ2d 1318, 1319 (Bd. Pat. App. & inter. 1992). The affiant, however, has failed to present any data showing that having a via-recess depth of about 100-600 angstroms is critical. Due to the absence of said data, the examiner concludes that the affiant's assertions that the claimed via recess depth is critical constitutes mere arguments. Therefore, since the affiant has failed to establish the criticality of the claimed via recess depth, and since the prior art shows all other limitations, the claims stand rejected as set forth above in paragraphs 2-28.

### ***Conclusion***

32. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. Papers should be faxed to Art Unit 2814 via the Art Unit 2814 Fax Center. The faxing of such papers must conform to the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center

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number is **(571) 273-8300**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Marcos D. Pizarro-Crespo** at **(571) 272-1716** and between the hours of 9:30 AM to 8:00 PM (Eastern Standard Time) Monday through Thursday or by e-mail via [Marcos.Pizarro@uspto.gov](mailto:Marcos.Pizarro@uspto.gov). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on (571) 272-1705.

34. Any inquiry of a general nature or relating to the status of this application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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35. The following list is the Examiner's field of search for the present Office Action:

Field of Search	Date
U.S. Class / Subclass(es): 257/750-766	1/16/2006
Other Documentation:	
Electronic Database(s): EAST (USPAT, EPO, JPO)	1/16/2006

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